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TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 09/916,791  
Filing Date .... July 26, 2001  
Inventor .... William A. Fuglevand  
Assignee .... Avista Laboratories, Inc.  
Group Art Unit .... 1745  
Examiner .... Stephen Kalafut  
Attorney's Docket No. .... AV1-024  
Title: Fuel Cell Power System and Method of Controlling a Fuel Cell Power System

**RESPONSE TO OCTOBER 1, 2003 OFFICE ACTION**

To: Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: George G. Grigel (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

Dear Sir:

In response to the Office Action dated October 1, 2003, kindly amend the above identified application as follows:

Kindly admit the Request for Extension of Time which is attached hereto, and which extends the response period to February 1, 2004.

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 10 of this paper.



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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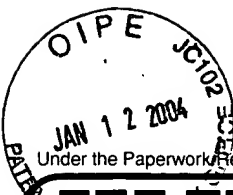
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/916,791	
	Filing Date	July 26, 2001	
	First Named Inventor	William A. Fuglevand	
	Art Unit	1745	
	Examiner Name	Stephen Kalafut	
Total Number of Pages in This Submission	16	Attorney Docket Number	AV1-024

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Postcard Receipt; Check
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	George G. Grigel; Wells St. John P.S.
Signature	
Date	9 JAN 04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Typed or printed name	Terri Kotzke	Date	Jan. 9, 2003
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



<b>FEE TRANSMITTAL for FY 2004</b> <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/916,791
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> <b>\$110.00</b>		Filing Date	July 26, 2001
		First Named Inventor	William A. Fuglevand
		Examiner Name	Stephen Kalafut
		Art Unit	1745
		Attorney Docket No.	AV1-024

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None
<input checked="" type="checkbox"/> Deposit Account:	
Deposit Account Number	23-0925
Deposit Account Name	Wells St. John P.S.
The Director is authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

FEE CALCULATION						
1. BASIC FILING FEE						
Large Entity		Small Entity		Fee Description	Fee Paid	
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1001	770	2001	385	Utility filing fee	<input type="text"/>	
1002	340	2002	170	Design filing fee	<input type="text"/>	
1003	530	2003	265	Plant filing fee	<input type="text"/>	
1004	770	2004	385	Reissue filing fee	<input type="text"/>	
1005	160	2005	80	Provisional filing fee	<input type="text"/>	
SUBTOTAL (1)					(\$)	\$0.00

2. EXTRA CLAIM FEES FOR UTILITY AND						
Extra Claims		Fee from below		Fee Paid		
Total Claims	-20** = 0	X		=	0.00	
Independent Claims	-3** = 0	X		=	0.00	
Multiple Dependent				=		
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	
1202	2202	18	9	Claims in excess of 20		
1201	2201	86	43	Independent claims in excess of 3		
1203	2203	290	145	Multiple dependent claim, if not paid		
1204	2204	86	43	** Reissue independent claims over original patent		
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)					(\$)	\$0.00

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$) \$110.00

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	George G. Grigel	Registration No. (Attorney/Agent)	31,166	Telephone	(509) 624-4276
Signature		Date	9 JAN 04		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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